

DOCKET NO. 93-115  
ORIGINAL

FCC MAIL SECTION

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FCC 93M-230  
31445

In re Applications of

DISPATCHED BY  
CONCORD-CARLISLE REGIONAL SCHOOL  
DISTRICT (WIQH)  
Concord, Massachusetts

TECHNOLOGY BROADCASTING CORPORATION  
(WMBR)  
Cambridge, Massachusetts

For Construction Permits for  
Modification of Facilities

) MM DOCKET NO. 93-115

) File No. BPED-860424MC

) File No. BPED-920326IA

ORDER PRIOR TO PREHEARING CONFERENCE

Issued: May 4, 1993

Released: May 6, 1993

1. A prehearing conference in this proceeding is scheduled for June 21, 1993, commencing at 9:00 a.m. The Presiding Judge deems it desirable to establish the following procedures:

- a. By June 7, 1993, counsel are directed to confer for the purpose of exploring a share-time arrangement, a settlement other than such arrangement, and discovery. With respect to discovery, if depositions are to be taken, the applicants shall agree on a mutually convenient schedule for the taking of depositions. A deponent will only be deposed once. Moreover, with regard to the production of documents, the applicants shall agree on a Joint Production Request under the comparative issue. This will ensure a uniform and reciprocal disclosure of documents. In the event one of the applicants has a specific document request relating specifically to the other applicant, such request shall be separately filed. The use of written interrogatories under 47 C.F.R. 1.323 will not be permitted.
- b. The Hearing Designation Order contemplates the presentation of engineering evidence by the parties. Therefore, at the conference regarding settlement and discovery, counsel are directed to also confer about the possibility of the preparation of a Joint Engineering Exhibit.
- c. By June 14, 1993, a Joint Report shall be submitted to the Presiding Judge fully reporting on the results of the meeting described in paragraph "a" and "b".

2. The September 7, 1993, hearing date is a firm date. Accordingly, the following procedural schedule IS ESTABLISHED:

August 6, 1993	Completion of all discovery.
August 20, 1993	Exchange of written direct cases. <sup>1</sup>
August 27, 1993	Notification of witnesses desired for cross-examination. <sup>2</sup>
August 31, 1993	Objections to witness notification.
September 7, 1993	Commencement of the hearing at 10:00 a.m. in the Commission's Washington, D.C. offices. <sup>3</sup>

3. On April 30, 1993, the applicants requested the Presiding Judge to suspend for a period of 30 days all procedural dates in this proceeding. The relief is merited. <sup>4</sup> However, other than the prehearing and hearing dates which do not fall within the 30 day period, no other procedural dates have been established. The schedule set forth above is consistent with the applicants' request for relief. Under the circumstances, the applicants' request will be dismissed as moot. <sup>5</sup>

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<sup>1</sup> All exhibits must be received by all parties not later than this date. The exhibits will be serially numbered, separately paginated, and assembled in a binder with a tab on each document. A prefix will be used to indicate the party sponsoring the exhibit. Each exhibit must be accompanied by the affidavit or declaration under penalty of perjury of a sponsoring witness. If official notice is requested of any materials in the Commission's files, that material should be assembled in written form, properly identified by source, given an exhibit number, and exchanged on the date set.

<sup>2</sup> Such notification may be made by phone or by fax. If oral notification is given it must be confirmed in writing. The parties should be mindful of the requirements of Section 1.248(d)(4) of the Rules.

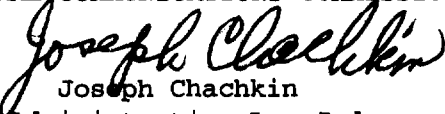
<sup>3</sup> Rebuttal, if any, will commence immediately after the conclusion of the direct cases.

<sup>4</sup> The applicants are pursuing efforts to eliminate the mutual exclusivity which would enable both noncommercial entities to provide expanded service to the public.

<sup>5</sup> The applicants' specific request that the filing date for motions to enlarge and/or modify the issues be suspended for 30 days is granted. Such petition shall be filed by June 1, 1993.

Accordingly, IT IS ORDERED, That the "Joint Motion For Suspension Of Procedural Dates" filed April 30, 1993 by Concord-Carlisle Regional School District and Technology Broadcasting Corporation IS DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

  
Joseph Chachkin  
Administrative Law Judge